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ANALYSIS OF THE RELATIONSHIP
BETWEEN OFFENSE AND RACE OF YOUTH
WITHIN THE JUVENILE JUSTICE SYSTEM

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I. INTRODUCTION

For some time the literature has abounded with commentaries relating to the issue of equality in treatment of youth processed through the Juvenile Justice System. "Fair treatment" has been discussed from many perspectives of both the system itself and its cultural and geographic differences as well as disparities in the characteristics of the youth served with reference to socio-economic status, intelligence, sex and, particularly, race. In view of the concentration during the past decade on civil rights issues, the question of equal treatment in the juvenile justice system for youth from the vantage point of race has received notable attention. The hypotheses have been promulgated endlessly that black youth receive significantly a "heavy hand" in the administration of juvenile justice far beyond their representation in the general population.

During the course of several survey studies completed by the Research and Evaluation Unit of the South Carolina Department of Youth Services, it has been routine to analyze the racial balance of the youth processed through the various components of the juvenile justice system in relation to their proportion in the general population appropriate age groups. It has been fairly well established through these studies, updated over several years, that a consistent general trend with reference to race does exist in South Carolina for youth processed through the "system". The most current data indicates the following distributions:

S. C. Juvenile Population (Est. 1976 7-16)	<u>White</u> 62.6%	<u>Black</u> 37.4%
Juveniles Taken Into Custody, 1977 (UCR Arrests)*	61.3%	38.7%
Juveniles Referred to Court (FY 1977)	64.6%	35.4%
R&E Commitments 1977	56.0%	44.0%
DYS Institutional Commitments	46.8%	53.2%

It is apparent from these figures that while the "arrest" and court statistics reflect a proportion of youth processed through the system fairly consistent with their representation in the population at large, a conspicuous disparity emerges on the continuum through the Juvenile Justice System initiated at commitment to the Reception and Evaluation Center and intensified further at the point of final institutionalization. The question raised then is why does this happen? On the surface, with only a superficial view based on these figures, one might well substantiate the cry of "unfair treatment" by the courts as to committing such a disproportionate numbers of black youth. However, since juveniles may be charged with a proliferation of offenses in the initial stages of the Juvenile Justice System while, hopefully, only the more serious offenders are committed to R & E and eventually training schools, more deliberate attention needs to be given to the consideration of the seriousness of offenses committed by the youth. Only by the additional assessment of this factor in the commitment procedure can a more valid interpretation of the problem be formulated.

With the intent to examine this issue, therefore, the following study was completed by the Research and Evaluation Unit of DYS utilizing the populations committed in 1977 to both the R & E Center and the training schools in analyzing

*UCR references in this report include 17 year old youths. However, it has been determined statistically that these approximate percentages would also apply proportionately through age 16.

the relationship of commitment to both the factors of race and offense. A further comparison is then presented in reference to the other Juvenile Justice System components.

II. COMMITMENTS TO THE RECEPTION AND EVALUATION CENTER

During calendar year 1977, a total of 1619 juveniles* were temporarily committed to the Reception and Evaluation Center of the Department of Youth Services. Black youth numbered 713 and comprised 44% of the population, while white youth numbered 906 and accounted for 56%. Charges against these juveniles ranged from the more serious crimes, including murder, manslaughter, forcible rape, assault, robbery, sex offenses, auto theft, burglary, breaking and entering and larceny, to other lesser criminal offenses such as trespassing and disorderly conduct and status offenses, i.e., incorrigibility, truancy and running away.

Table I presents the commitments to R & E by offense and race. Ten serious criminal offenses are treated separately. "Other criminal offenses" and "status offenses" each constitute a single grouping. It is apparent from the data that the majority of R & E commitments, some 55.5% of the total, resulted from serious criminal offenses. Furthermore, the black subgroup of 713 clients, which comprised only 44% of the R & E population overall, accounted for almost 54% of the commitments for serious offenses. By comparison, white juveniles, who comprised some 56% of the total client population, constituted only 46% of the commitments for serious offenses. Some 67.5% of the black clients committed were charged with serious crimes in distinct contrast to 46% of the white population.

Differential representation of black and white clients with respect to commitments for serious criminal offenses is highlighted in Figure 1, which presents the most common crimes falling into that category - assault, auto theft,

*This figure excludes eight juveniles committed to R & E in 1977 whose race was unknown. Printout was obtained from the Data Processing Unit, Department of Youth Services.

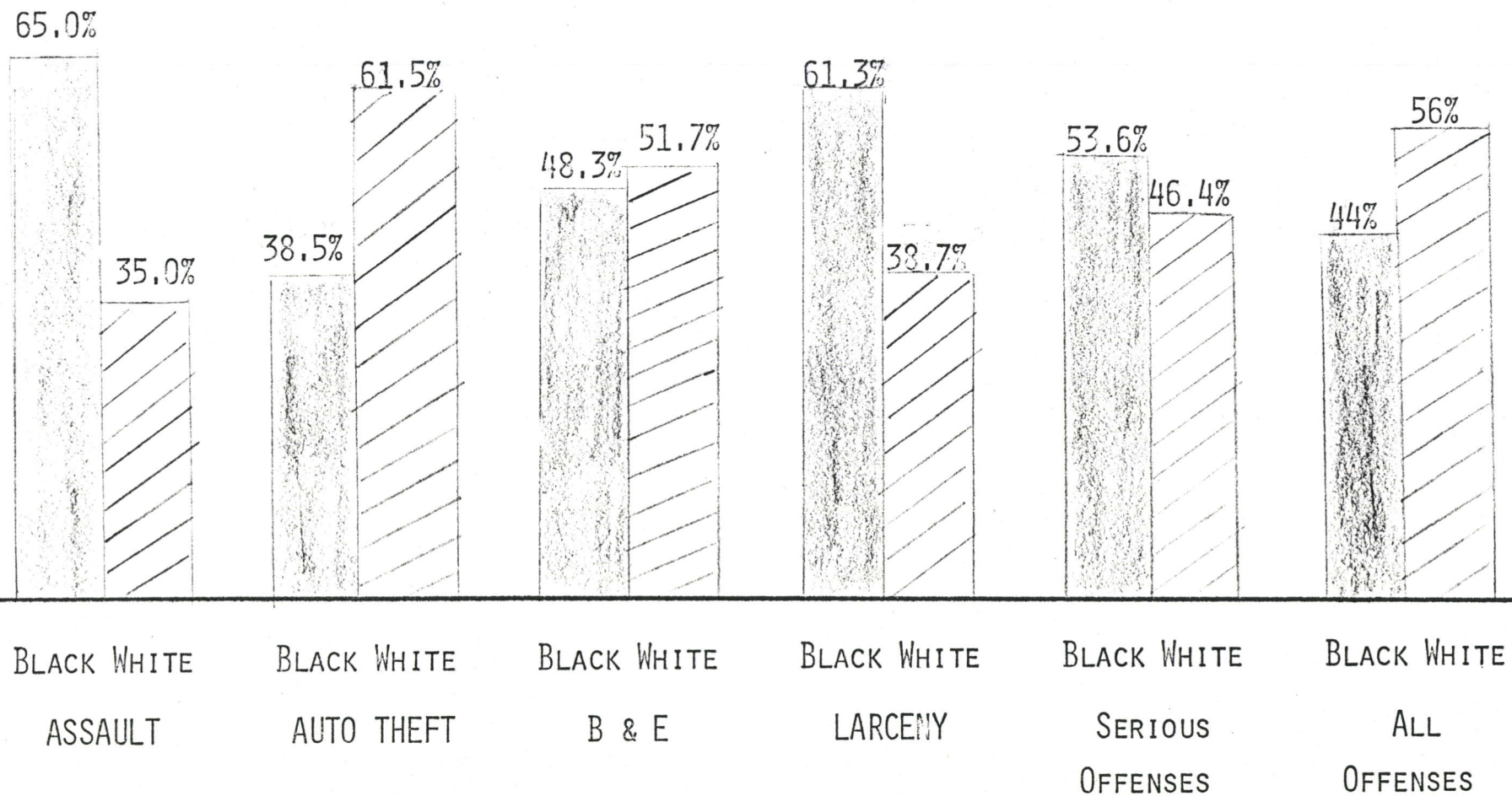
TABLE I

COMMITMENTS TO R & E BY OFFENSE AND RACE

	BLACK	%	WHITE	%	TOTAL	%
MURDER	0	0	2	100	2	.2
MANSLAUGHTER	2	100	0	0	2	.2
FORCIBLE RAPE	4	80	1	20	5	.6
ASSAULT	89	65	48	35	137	15.3
ROBBERY	21	58.3	15	41.7	36	4.0
SEX OFFENSE	4	50	4	50	8	.9
AUTO THEFT	37	38.5	59	61.5	96	10.7
BURGLARY	1	20	4	80	5	.6
B & E	182	48.3	195	51.7	377	42.0
LARCENY	141	61.3	89	38.7	230	25.6
SUBTOTAL	481	53.6	417	46.4	898	55.5
OTHER CRIMINAL	82	29.4	197	70.6	279	17.2
STATUS	150	33.9	292	66.1	442	27.3
TOTAL (ALL OFFENSES)	713	44	906	56	1619	100

FIGURE 1

COMMITMENTS TO R & E BY OFFENSE AND RACE



breaking and entering and larceny. Juveniles charged with these four crimes accounted for 94% of all commitments for serious offenses. The greatest discrepancy between the two racial subgroups appears in the category of assault, where blacks comprised 65% of the total, whites only 35%. In contrast, black clients accounted for just 38.5% of the commitments for auto theft, white clients 61.5%. Within the category of breaking and entering, black and white commitments were almost equally distributed - 48.3% and 51.7%, respectively. Black youth represented a clear majority within the category of larceny where they incorporated about 61% of the total; whites, 39%.

By contrast, commitments for less serious criminal and status offenses were far more common in the white segment of the R & E population. Table I indicates that a total of 279 commitments resulted from crimes falling into the "less serious" category. Only 82 or 29.4% of these involved black clients, compared with 197 or 70.6% involving white clients. Within the black population itself, just 11.5% of the commitments resulted from less serious criminal charges, while the corresponding figure for white clients was 21.7%. Commitments for status offenses reflected a similar pattern. This category incorporated 442 commitments, 150 or 33.9% involving black youth and 292 or 66.1% involving white youth. Within the black segment of the R & E population only about 21% of the commitments resulted from status offenses compared with 32.2% of commitments within the white subgroup.

To summarize, the majority of youth temporarily committed to the Reception and Evaluation Center in 1977 faced charges of a serious criminal nature. Examination of these commitments by offense and race revealed that black clients represented less than one half of the R & E population overall, but, at the same time, reflected a clear majority of those juveniles committed for serious criminal offenses. In distinct contrast, white clients both constituted a majority of the

total R & E population and contributed more substantially than black juveniles to commitments for less serious criminal and status offenses. The section which follows will present corresponding data on juveniles whose disposition was final commitment to a DYS correctional school.

III. COMMITMENTS TO CORRECTIONAL SCHOOLS

During the calendar year 1977, a total of 643* juveniles were committed to DYS correctional institutions. Of this number, 342, or 53.2%, were black, 301, or 46.8%, white. Charges against the clients ranged from more serious crimes such as murder, manslaughter, forcible rape, assault, robbery, sex offenses, auto theft, breaking and entering, and larceny to lesser criminal offenses such as trespassing and disorderly conduct and status offenses, i.e., incorrigibility, truancy and running away.

Table I presents the commitments to DYS correctional institutions by offense and race. Ten serious criminal offenses are treated separately. Other lesser criminal offenses and status offenses each constitute a single grouping. It is apparent from this data that the great majority of commitments to DYS correctional schools, almost 70%, resulted from serious criminal charges. Moreover, black clients, who represented about 53% of the institutional population, accounted for 57.8% of the commitments for serious criminal offenses. By comparison, white juveniles, who comprised 46.8% of the institutional population, accounted for only 42.2% of those clients charged with serious crimes. Within each racial group a clear majority of juveniles were committed for serious offenses, but the percentages differed substantially -- 75.7 for black clients compared to 62.8 for white clients.

*This figure excludes five juveniles committed to DYS correctional schools in 1977 whose race was unknown. Printout was obtained from the Data Processing Unit, Department of Youth Services.

TABLE II

COMMITMENTS TO INSTITUTIONS BY OFFENSE AND RACE

1977

	BLACK	%	WHITE	%	TOTAL	%
MURDER	0		1	100	1	.2
MANSLAUGHTER	1	50	1	50	2	.4
FORCIBLE RAPE	4	100	0		4	.9
ASSAULT	34	60.7	22	39.3	56	12.5
ROBBERY	19	67.9	9	32.1	28	6.25
SEX OFFENSE	1	50	1	50	2	.4
AUTO THEFT	23	46	27	54	50	11.2
BURGLARY	3	100	0	0	3	.7
B & E	108	57.4	80	42.6	188	42.0
LARCENY	66	57.9	48	42.1	114	25.4
SUBTOTAL	259	57.8	189	42.2	448	69.7
OTHER CRIMINAL	65	43.9	83	56.1	148	23.0
STATUS	18	38.3	29	61.7	47	7.3
TOTAL (ALL OFFENSES)	342	53.2	301	46.8	643	100

Differential representation between black and white institutionalized clients with respect to commitments for serious criminal offenses is highlighted in Figure 1, which presents the most common crimes falling into that category - assault, auto theft, breaking and entering and larceny. Together these accounted for 91% of the commitments for serious criminal offenses. The greatest discrepancy appears in commitments for assault, where black clients comprised 60.7% of the total, white clients only 39.3%. In contrast, black juveniles represented just 46% of the commitments for auto theft, white clients 54%. The proportion of blacks to whites was nearly identical in the categories of breaking and entering and larceny, approximately 58% to 42%.

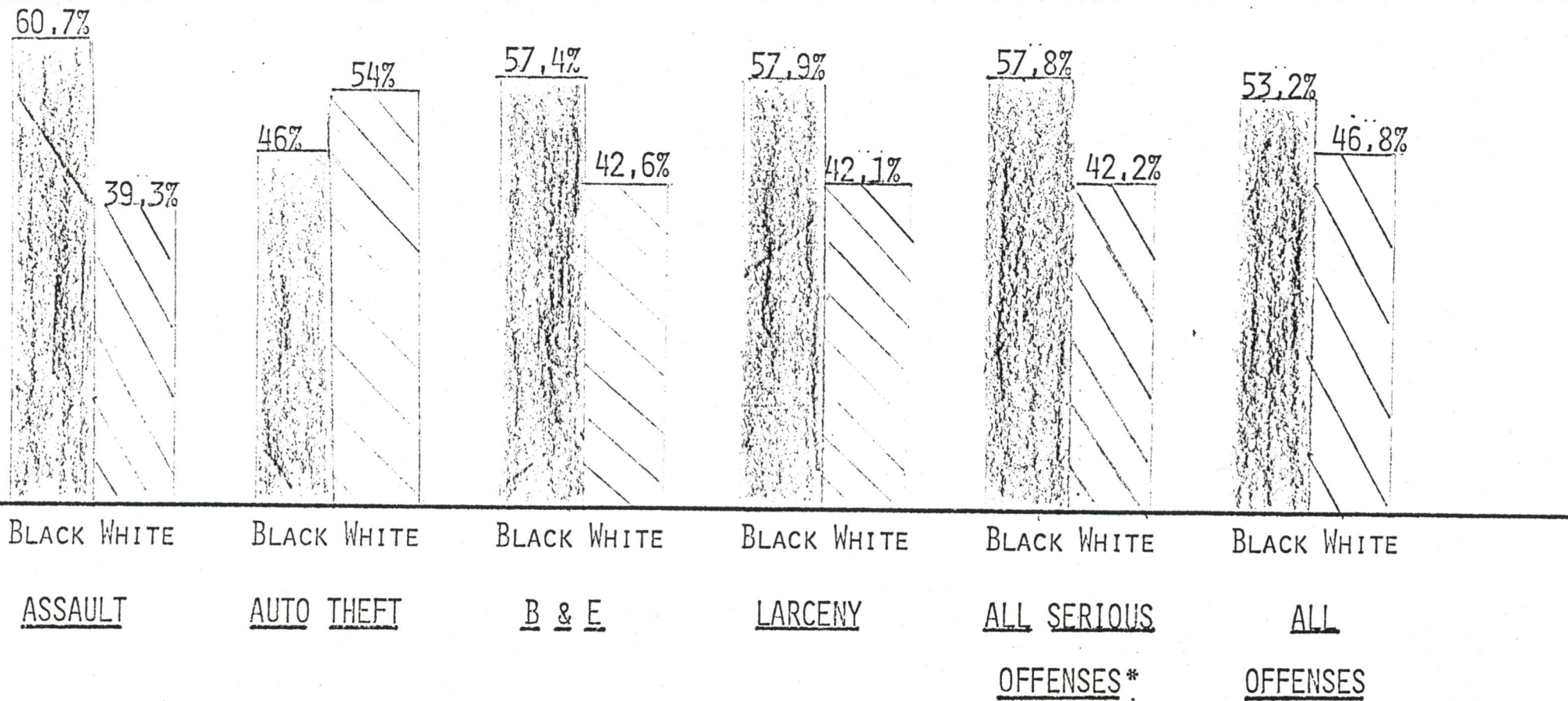
Commitments for lesser criminal and status offenses reflected a different racial distribution. Table 1 indicates that lesser criminal and status offenses accounted for 23% and 7.3% of institutional commitments, respectively, and that these two categories were clearly dominated by white clients. In the "other criminal" category, blacks accounted for just 44% of the commitments, whites 56%. Only 19% of the black client subgroup was reflected in commitments for lesser criminal charges compared to 27.5 % of the white client subgroup. A similar pattern is apparent when commitments for status offenses are examined. Black clients constituted only 38.3% of this category, white clients 61.7%. Within the black subgroup only 5.3% of the commitments resulted from status offenses compared to 9.6% within the white subgroup.

To summarize, the majority of clients served in DYS correctional institutions during 1977 were black, and black juveniles also accounted for more than half of all commitments for serious criminal offenses. The categories of lesser criminal and status offenses, in contrast, were dominated by white youth. Nevertheless, the institutional population as a whole reflected a preponderance of commitments for serious crimes, and, within each racial group, a majority fell into this category.

FIGURE 2

COMMITMENTS TO INSTITUTIONS BY OFFENSE AND RACE

1977



*INCLUDES THE MOST COMMON SERIOUS OFFENSES SPECIFIED AT LEFT PLUS ROBBERY, MURDER, MANSLAUGHTER, FORCIBLE RAPE, SEX OFFENSES AND BURGLARY.

IV. COMPARISON AND SUMMARY

The preceding analyses of offenses which resulted in the commitment of juveniles to the R & E Center and to correctional facilities support the general premise that the apparent over-representation of blacks in DYS institutional populations derives from their tendency to commit more serious crimes than white youth and, therefore, receive harsher dispositions in the courts. It was found that although blacks represented only 44% of the total R & E population during 1977, they accounted for nearly 54% of all commitments for serious crimes. Within the black subgroup alone, more than two-thirds faced serious criminal charges.

Examination of commitments to correctional schools during the same period yielded similar results. The majority of youths committed to correctional schools for serious offenses were black, and within the black population itself, more than 75% had been charged with serious crimes. Furthermore, black clients accounted for 53.2% of the total correctional school population. Because juveniles in the category of "serious criminal offender" are more likely to be committed for treatment in correctional schools after evaluation, it appears consistent that blacks were even more predominant in the correctional school population.

The question next to be addressed is whether the same premise can be supported by the data in regard to other components of the juvenile justice system. In other words, although little disparity has been found in the population of youth "arrested" or processed through the court in relation to their general population age groups, what is the effect on these ratios when the race of offender is juxtaposed with type of offense?

Unfortunately, the available data on juveniles referred to South Carolina Courts proved inadequate to address this question. On the other hand, Uniform

Crime Report statistics for South Carolina in 1977 provided ample information relating to juveniles taken into custody. The following table indicates the racial distributions within the categories of "serious criminal offenses" and "all offenses" for youth taken into custody in South Carolina during 1977:

<u>Youth Taken Into Custody For:</u>	<u>Black</u>	<u>White</u>
Serious Criminal Offenses	54.2%	45.8%
All Offenses	38.7%	61.3%

Although black youths accounted for only 38.7% of all youths taken into custody, they represented a majority of those apprehended for serious crimes. White youths, on the other hand, comprised more than 60% of all youth taken into custody, but only 45.8% of those whose contact with law enforcement agencies resulted from serious criminal acts. The table below allows comparison of the racial distribution of youth taken into custody with corresponding figures for the R & E and correctional school populations:

	<u>Taken Into Custody</u>		<u>Committed to R & E</u>		<u>Committed to Correctional Schools</u>	
	<u>Black</u>	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>	<u>White</u>
Serious Criminal Offenses	54.2%	45.8%	53.6%	46.4%	57.8%	42.2%
All Offenses	38.7%	61.3%	44.0%	56.0%	53.2%	46.8%

The proportions of black and white youth charged with serious criminal offenses proved essentially consistent in all three populations, roughly 55% black, 45% white. Furthermore, in each population, black representation within the "serious criminal offense" category exceeded their representation in the total population where all offenses were taken into account. The opposite was true of the white subgroup whose representation in each of the total populations, all offenses counted, was greater.

Another approach in examining the concentration of blacks and whites occupying a given offense category is to compare the percentage of all blacks taken into custody or committed to a DYS facility whose arrest/commitment derived from serious criminal charges with the corresponding figures for white youth. The table below enables such a comparison.

	<u>Black</u>	<u>White</u>
% of this racial subgroup taken into custody for serious criminal offenses	66.6	35.8
% of this racial subgroup committed to R & E for serious criminal offenses	67.5	46.0
% of this racial subgroup committed to correctional schools for serious criminal offenses	75.7	62.8

These figures substantiate that blacks were more frequently taken into custody by law enforcement officials, or committed to DYS facilities after court hearings, because of serious criminal activities than were their white counterparts. Fully two-thirds of the blacks arrested and those committed to R & E faced serious criminal charges. In distinct contrast, only 35.8% of the white youth were taken into custody for serious crimes and the percentage remained under 50 in the white segment of the R & E population. Only within the correctional school population had a majority of the white subgroup committed serious criminal offenses.

In summary, the preceding analysis was undertaken to examine an established trend of black commitments to the R & E Center and DYS correctional institutions which ostensibly appear to be disproportionate to black representation in the juvenile population at large, as well as in juveniles reported taken into custody and in juveniles referred to the courts. It was suggested that attention to the

question of seriousness of offense as it related to the racial distributions of the R & E and correctional school populations might explain this disparity.

Data on the R & E and correctional school clients, which indicated that a majority of those committed for serious offenses were black, supported the general premise that the "over representation" of blacks in DYS populations derived from their tendency to commit more serious crimes and receive the most severe dispositions in the courts. Furthermore, when the law enforcement component of the juvenile justice system was examined, a similar pattern emerged - the majority of youth taken into custody for serious criminal acts were black, a particularly significant fact because the proportion of blacks to whites in the total number of juveniles arrested, all offenses, was consistent with the racial distribution of South Carolina's juvenile population at large. Finally, an examination of the reason for arrest/commitment within each racial subgroup indicated that a substantial number of all blacks taken into custody or committed to R & E, i.e., fully two-thirds of the total, faced serious criminal charges. Among black clients in correctional schools, the percentage proved even greater.

These findings confirm that seriousness of offense is a salient factor in explaining the racial composition of the R & E and correctional school populations. A large majority of black youth who were taken into custody in 1977 faced serious criminal charges - thus, the substantial representation of black juveniles in DYS facilities, which on the surface appears disproportionate, is, in fact, a logical consequence of their status when they enter the juvenile justice system. A kind of filtering process occurs as young offenders negotiate the various components of the juvenile justice system. Along the continuum between arrest, court referral and commitment to a DYS correctional school are many alternative dispositions - probation, social agency referrals, and so on. The juveniles most likely to reach R & E and/or a correctional school, it has been demonstrated,

are those whose record is one of serious criminal activity. Because the majority of youth taken into custody for serious crimes are black, the expectation would be that a correctional facility which serves primarily this type of offender will also reflect a substantial black population.



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